



09-10-03

RCE 1600
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55591-RCE(71699)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey J. Rade, et al.

Application No.: 09/863,803

Group No.: 1632

Filed: May 22, 2001

Examiner: Li, Qian J.

For: GENETIC ENGINEERING OF VASCULAR GRAFTS TO RESIST DISEASE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

WARNING: 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and not

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

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37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

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Date: September 8, 2003

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Signature

Patricia A. Barnes

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01 FC:2801
02 FC:2252

375.00 OP
205.00 OP

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examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

WARNING: *A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).*

NOTE: *There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

NOTE: *Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).*

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. Prior to abandonment of the application
- ii. Payment of the issue fee
 - Prior to payment of issue fee
 - Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: *If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.*

- iv. Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145
 - or Commencement of a civil action under 35 U.S.C. 146
 - Prior to the filing of such appeal or commencement of civil action
 - Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: *If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).*

- An information disclosure (37 C.F.R. Section 1.98)